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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,306	07/03/2003	Hirobumi Toyoda	3022-0011	3185

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EXAMINER
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HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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03/13/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/612,306	<b>Applicant(s)</b> TOYODA, HIROBUMI	
	<b>Examiner</b> TRAMAR HARPER	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

Examiner acknowledges Request for Continued Examination and Amendments/Arguments filed 10/12/07. The arguments set forth are addressed herein below. Claims 1-12 & 16-37 are pending, Claims 1, 16, & 18-19, Claims 27-37 are newly added, and Claims 13-15 have been canceled.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is respectfully asked to point of within the original specification, wherein:

if all the cells that have the first combination of allocated symbols and the second combination of allocated symbols are determined to have been made effective, determining the win amount by one either (i) **determining a first factor associated with the first predetermined win rank and a second factor associated with the second predetermined win rank, computing a sum of the determined first and second factors, and computing the win amount by**

**multiplying the amount bet by the player by the computed sum, or (ii)  
determining a largest of the first factor and the second factor, and  
computing the win amount by multiplying the amount bet by the player by  
the determined largest factor....**

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6, 8-12, 16-23, 26, 33-37** rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al (US 6,079,711) in view of Matsumoto (US 5,639,089).

**Claims 1 & 18-23:** Wei discloses a combination bingo/poker game system. The game system comprises a game board containing a 5x5 matrix of a Bingo places. Each place includes a Bingo number and playing card indicia. The game is played in the conventional manner, wherein a player marks the called indicia on the bingo card as numbers are randomly drawn via a host site. A player has a winning Bingo when the marked places forms a winning Bingo configuration and the Bingo configuration is then used to form a potentially winning Poker hand (Abstract). The host computer/game server randomly selects the bingo numbers and respective playing card numbers for each individual bingo card. The host entity generates/prints the game boards by cycling through a series of random and unique bingo permutations and insures that the

duplicate game boards are not produced for the same game. During game play the randomly drawn bingo numbers or main lotteries are called in a conventional manner and entered into the host computer. The host computer furthermore verifies any winning bingo cards. Each respective winning player is evaluated based on the bingo configuration and awarded a predetermined payout based on a poker rank of the bingo configuration. Figs 3-4 illustrate the type of bingo card with potential poker rank awards displayed (Col. 2:61-67, Col. 3: 1-7, 247-29, 36-38, 41-46, 66-67, Col. 4:1-12, 41-65, Figs 3-4).

Wei discloses the above, but excludes the gaming environment conducted on a gaming machine. Matasumoto et al discloses a bingo gaming machine in which signs on bingo cards are compared to a plurality of randomly selected specific signs to decide the winner of a game respective of the signs (Abstract). The gaming machine comprises of a central main unit surrounded by linked player terminals. Each terminal has a payback outlet wherein credits are paid to the player based on the game result. The gaming machine comprises a pay-back unit to calculate the payout amount (Col. 5:7-36). The bingo game consists of randomly drawing 10 balls ending the game and determining which players achieved a bingo outcome within the 10 balls (Col. 6:21-22). Matasumoto discloses "Line Bingo", wherein 12 possible pay line options are available and a player can wager on one or more pay lines (Col. 21:19-35). The smaller the amount of drawn balls to achieve a bingo combination the larger the prize e.g. a standard award for achieving bingo at 10 drawn balls, but a larger above standard award for achieving bingo in less than 10 drawn balls (Col. 22:10-15). Fig. 23, although

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drawn to another type of bingo game, clearly shows award disbursement based on the bet in amount of the player. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming system of Wei with the gaming machine of Matasumoto to provide a more automated communal bingo game. Such a modification would eliminate errors due to a ball caller entering numbers into a host computer. It would also provide players with more than one opportunity to achieve multiple awards by betting on different pay lines e.g. the more opportunities to win the more likely a player will play the game, thus increasing house or establishment revenue.

**Claim 2:** Wei in view of Matsumoto discloses the combination making game comprises a poker game and 5x5 matrix (Wei Fig. 3).

**Claim 3:** Wei in view of Matsumoto discloses the above with respect to claim 1, but excludes the combination making game comprising a mahjong game. However, applicant has not disclosed that having a predetermined number of main lotteries provides an advantage, is used for a particular purpose, or solves a stated problem. Furthermore, applicant discloses that the bingo like lottery game may be a poker type game or a mahjong game. One of ordinary skill in the art, furthermore, would have expected Wei in view of Matsumoto's gaming system, and applicant's invention, to perform equally well with either a bingo poker type game, as taught by Wei in view of Matsumoto, or the claimed mahjong because both provide the same function of providing a game wherein a player attempts to match symbols of a matrix to randomly drawn symbols to obtain an award.

Therefore, it would have been prima facie obvious to one of ordinary skill in the art to modify Wei in view of Matsumoto to obtain the invention as specified in claim 3 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Wei in view of Matsumoto.

**Claims 4-6:** Wei in view of Matsumoto discloses the smaller the amount of drawn balls to achieve a bingo combination the larger the prize e.g. a standard award for achieving bingo at 10 drawn balls, but a larger, above standard award for achieving bingo in less than 10 drawn balls (Matsumoto Col. 22:10-15).

**Claims 8-12 & 26:** Wei in view of Matsumoto discloses a cell validation device for making at least one cell contained in the matrix effective in accordance with a result of a preliminary lottery performed prior to the main lottery (Wei Fig. 3, Matsumoto Fig. 22, see above). Wei discloses that the bingo card numbers and playing card indicia are randomly determined e.g. preliminary lottery prior to the main lotteries or start of the game (see above).

**Claim 16:** Wei discloses a combination bingo/poker game system. The game system comprises a game board containing a 5x5 matrix of a Bingo places. Each place includes a Bingo number and playing card indicia. The game is played in the conventional manner, wherein a player marks the called indicia on the bingo card as numbers are randomly drawn via a host site. A player has winning Bingo when the marked places forms a winning Bingo configuration and the Bingo configuration is then used to form a potentially winning Poker hand (Abstract). The host computer/game server randomly selects the bingo numbers and respective playing card numbers for

each individual bingo card. The host entity generates/prints the game boards by cycling through a series of random and unique bingo permutations and insures that the duplicate game boards are not produced for the same game. During game play the randomly drawn bingo numbers or main lotteries are called in a conventional manner and entered into the host computer. The host computer furthermore verifies any winning bingo cards. Each respective winning player is evaluated based on the bingo configuration and awarded a payout based on a poker rank of the bingo configuration. Figs 3-4 illustrate the type of bingo card with potential poker rank awards displayed (Col. 2:61-67, Col. 3: 1-7, 247-29, 36-38, 41-46, 66-67, Col. 4:1-12, 41-65, Figs 3-4).

Wei discloses the above, but excludes the gaming environment conducted on a gaming machine. Matasumoto et al discloses a bingo gaming machine in which signs on bingo cards are compared to a plurality of randomly selected specific signs to decide the winner of a game respective of the signs (Abstract). The gaming machine comprises of a central main unit surrounded by linked player terminals. Each terminal has a payback outlet wherein credits are paid to the player based on the game result. The gaming machine comprises a pay-back unit to calculate the payout amount (Col. 5:7-36). The bingo game consists of randomly drawing 10 balls ending the game and determining which players achieved a bingo outcome within the 10 balls (Col. 6:21-22). Matasumoto discloses "Line Bingo", wherein 12 possible pay line options are available and a player can wager on one or more pay lines (Col. 21:19-35). The smaller the amount of drawn balls to achieve a bingo combination the larger the prize e.g. a standard award for achieving bingo at 10 drawn balls, but a larger above standard



award for achieving bingo in less than 10 drawn balls (Col. 22:10-15). Fig. 23, although another type of bingo game clearly shows award disbursement based on the bet in amount of the player. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming system of Wei with the gaming machine of Matasumoto to provide a more automated communal bingo game. Such a modification would eliminate errors due to a ball caller entering numbers into a host computer. It would also provide players with more than one opportunity to achieve multiple awards by betting on different pay lines e.g. the more opportunities to win the more likely a player will play the game, thus increasing house or establishment revenue.

Wei in view of Matsumoto discloses the above, but excludes a networked game server linked to gaming machines. Wei discloses having a host computer and remote sites, but not gaming machine. Wei discloses a main game machine with gaming terminals (see above). However, applicant has not disclosed that having a networked game server linked to gaming machines provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Wei in view of Matsumoto's gaming system, and applicant's invention, to perform equally well with a gaming machine with communal gaming terminals, as taught by Wei in view of Matsumoto, or the claimed a networked game server linked to gaming machines because both provide the same function of allowing players to play together in a linking bingo type game.

Therefore, it would have been prima facie obvious to one of ordinary skill in the art to modify Wei in view of Matsumoto to obtain the invention as specified in claim 16

because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Wei in view of Matsumoto.

**Claim 17:** Matsumoto discloses displaying progress of the game via the gaming machines through the gaming terminals (see above).

**Claims 33-37:** Wei in view of Matsumoto discloses that one or more cells become effective during game play and that the symbol allocating device is for allocating the symbols prior to the main lotteries (see above Wei for symbols pre-printed, Matsumoto Fig. 22, see above).

**Claims 7 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei (US 6,079,711) in view of Matsumoto (US 5,639,089) in further view of Darby (US 2003/0130024).**

**Claims 7 & 24-25:** Wei in view of Matsumoto discloses the above with respect to claim 4, but excludes explicitly a second pay line with a second rank of the game, wherein a player is paid or awarded in accordance with both the first and/or second lines. Wei discloses awarded a player based on a poker hand, more particularly rank of hand, within a bingo win configuration. Matsumoto discloses enabling the player to bet on one or more pay lines within a bingo game (see above). Darby discloses an analogous electronic game comprising stud poker, wherein a player can play multiple poker hands simultaneously forming a 5x5 matrix. As a result, the gaming machine allows a player to wager on multiple pay lines within the matrix (Abstract). The matrix is then evaluated for all pay line combinations which have wagers placed by the player and the player receives credits for each winning pay line in accordance with rank in a poker pay table,

which may be multiplied by the initial wager placed on each pay line e.g. each winning pay line is evaluated/multiplied per wager and the winning are summed together to form a winning total (§ 25, 33, 36, 39). It would have been obvious to one of ordinary skill in the art to have modified the gaming system of Wei in view of Matsumoto with the awarding means of Darby, to provide more opportunities to the player. Providing an increased number of pay lines, larger wagers and thus larger potential pay outs are possible to make the game more attractive to potential players (Darby Abstract).

**Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei (US 6,079,711) in view of Matsumoto (US 5,639,089) in further view of Yoseloff (US 6,398,645).**

**Claims 27-32:** Wei in view of Matsumoto discloses the above with respect to claims 2-3, 16, 18-20, but excludes the player selecting a matrix out of a plurality of matrixes. Yoseloff discloses a bingo gaming machine wherein a player can select at least one or more cards/matrixes to play with (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming system of Wei in view of Matsumoto with the player selectable matrixes of Yoseloff to provide the with a plurality of cards wherein a player can decide which combination of numbers/playing cards appear to be more favorable, whether the choice is based on upon reason or superstition. Thus increasing the interest level of a player and is likely to extent the length of time the player will enjoy the gaming activity (Yoseloff Col. 11:12-28).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 and 16-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Holmes (US 6,220,959) teaches a 5x5 matrix poker game with multiple pay lines.**

**Falciglia (US 5,935,002) and Odom (US 6,581,935) teach a bingo gaming machine.**

**Tri (US 6,409,173) teaches a bingo/blackjack or poker type system.**

**Camero (US 6,722,655) and Lewis (US 6,656,044) teach a poker matrix bingo type game.**

**Falciglia (US 5,971,849) and Takeyama (US 6,916,242) teach poker/bingo type electronic games.**

**Glasson (US 2002/0177478) teaches player selectable bingo patterns.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau  
Examiner  
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2/27/08

/Ronald Laneau/  
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